

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

2:15-cv-623-APG-GWF

**ORDER**

**I. DISCUSSION**

On April 6, 2015, Defendants removed this case from the Eighth Judicial District Court and attached Plaintiff's original complaint. (ECF No. 1, 1-2). On April 16, 2015, Plaintiff, a *pro se* prisoner, filed a motion to amend his complaint. (ECF No. 12). The Court has not screened the original complaint.

The Court grants Plaintiff's motion to amend. (ECF No. 12). Plaintiff shall have 30 days from the date of this order to file an amended complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court's

1 approved prisoner civil rights form and it must be entitled "First Amended Complaint." If  
2 Plaintiff chooses not to file an amended complaint, the Court will proceed on the original filed  
3 complaint (ECF No. 1-2).

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion to amend his  
6 complaint (ECF No. 12) is granted.

7 IT IS FURTHER ORDERED that Plaintiff shall file the amended complaint within 30  
8 days from the date of entry of this order.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the  
10 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his  
11 original complaint (ECF No. 1-2). If Plaintiff chooses to file an amended complaint, he must  
12 use the approved form and he shall write the words "First Amended" above the words "Civil  
13 Rights Complaint" in the caption.

14 IT IS FURTHER ORDERED that if Plaintiff chooses not to file an amended complaint,  
15 this action shall proceed on his original filed complaint (ECF No. 1-2).

16  
17 DATED: This 27th day of April, 2015.

18  
19   
20 United States Magistrate Judge